

**RIVERS EDGE II
NINE-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick *RF*

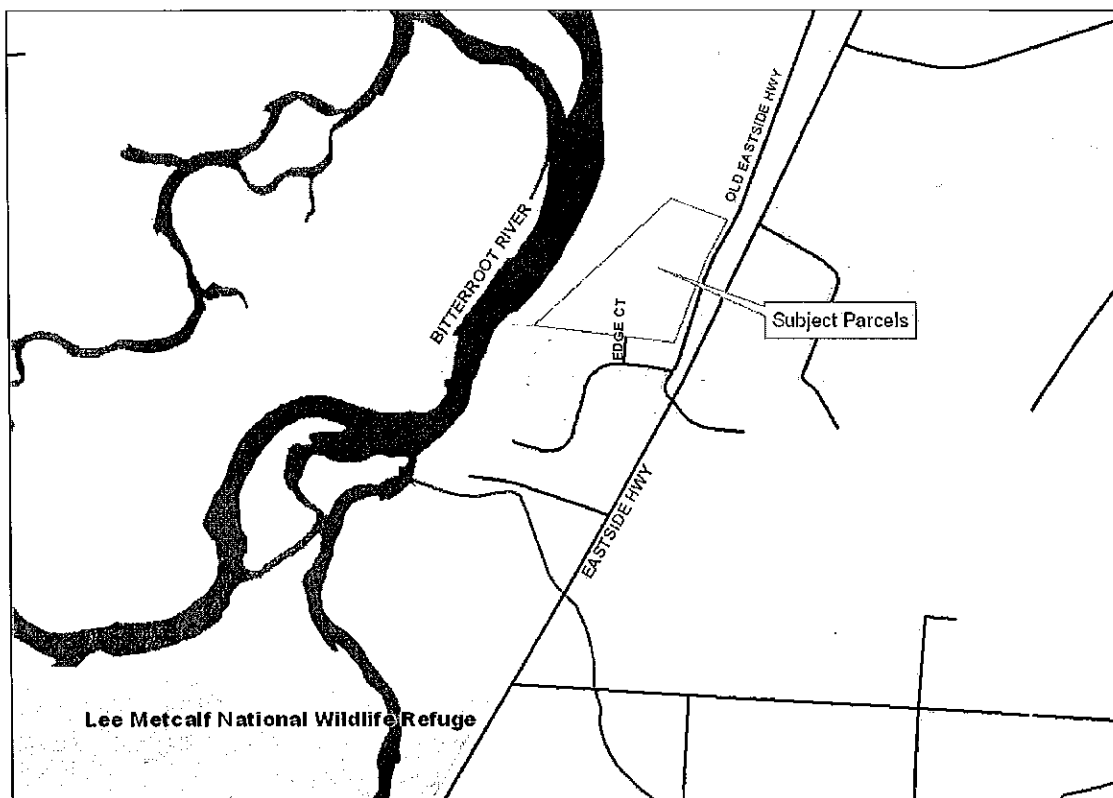
**REVIEWED/
APPROVED BY:** Tristan Riddell *TR*

**PUBLIC HEARINGS/
MEETINGS:** Planning Board Meeting: 7:00 p.m. November 5, 2008
BCC Public Hearing: 9:00 a.m. November 2, 2009
Deadline for BCC action: January 22, 2010

SUBDIVIDERS/OWNER: Flyhigh Developers Corp.
4681 Harlequin Drive
Missoula, MT 59808

REPRESENTATIVE: Gordon Sorenson
2610 Gunsight Court
Missoula, MT 59808

LOCATION OF REQUEST: The property is located north of Stevensville off of Old Eastside Hwy.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Tract 1, COS#529933-TR, Section 25, T10N, R20W & Section 30,
T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed sufficient on September 16, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-13 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Thursday, October 30, 2008 and the Bitterroot Star on October 14, 2009. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked October 6, 2008. Three public comments have been received to date (Exhibit B-1 through B-7).

**DEVELOPMENT
PATTERN:**

Subject property	Agriculture
North	Residential
South	Residential
East	Open Space
West	Residential

INTRODUCTION

Rivers Edge II is a nine-lot major subdivision located north of the Town of Stevensville. The proposal is for residential use. The property is accessed by taking Eastside Highway to Old Eastside Highway. The Bitterroot River does not border the proposal, but lies just to the west.

This hearing is a continuance of the public hearings held December 9, 2008 and January 22, 2009. Since the public hearing on January 22, 2009 the subdividers have redesigned the subdivision to access off of Old Eastside Highway.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

NOVEMBER 2, 2009

RIVERS EDGE II NINE-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Rivers Edge II Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. *(Staff Note: The Board of County Commissioners should make a decision regarding parkland dedication as part of the motion.)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Old Eastside Highway frontage of this subdivision, excepting the approved entrance for Flyhigh Drive. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health and Safety)*

Notification of Road Maintenance Agreement. The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*

Notification of Storm Water Drainage Easements. Within this subdivision there is a storm water drainage easement along the property boundary of Lots 4 and 5. No structure or obstruction may be placed within this easement that is not required for storm water management. *(Section 3-2-8(b)(v)(C,F), RCSR, Effects on Local Services and Public Health and Safety)*

Floodplain Development. This property is located in close proximity to the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding, and movement of the River's channel. A floodplain study has been done for this subdivision and portions of the property were found to be located within the 100-year floodplain of the Bitterroot River. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. It is also recommended that basements

and below grade crawl spaces should not be built in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems. (*Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety*)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Lake Como or Painted Rocks Dams. The subdivision may be located within the dam inundation area for the Lake Como and Painted Rocks Dams. A map of the probable extent of the inundation areas is included as an exhibit to this document [the subdividers shall include the exhibit as an attachment]. (*Section 3-2-8(b)(v)(F), Effects on Public Health and Safety*)

Notification of "very limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils are included as exhibits to this document. (The subdividers shall include the exhibits as attachments) (*Section 3-2-8(b)(v)(F), Effects on Public Health and Safety*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes and to protect the Bitterroot River riparian area. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. (*Section 3-2-8(b)(v)(D,E,F), RCSR, Effects on Natural Environment, Wildlife Habitat, and Public Health & Safety*)

Radon Exposure. Owners must understand and accept the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v)(F) Effects on Public Health & Safety*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v)(D,E,F), Effects on Natural Environment, Wildlife and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the

best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v)(D), *Effects on the Natural Environment*)

Flood Insurance. It is strongly recommended that property owners obtain flood insurance due to the proximity of the Bitterroot River and its potential flood hazards, as standard homeowner's insurance policies do not cover flood damages. (Section 3-2-8(b)(v)(F), *Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. (Section 3-2-8(b)(v)(A,E) *Effects on Agriculture, Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value:

- (a) Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- (b) Gardens, fruit trees or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- (c) Garbage must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- (d) Do not feed wildlife or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly

attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.

- (e) Bears can be attracted to food smells associated with outdoor food storage; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- (f) Birdseed in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- (g) Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- (h) Pet food and livestock feed must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lion, skunk, and raccoon. When feeding pets and livestock, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- (i) Barbecue grills should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- (j) Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- (k) Compost piles can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- (l) Apiaries (bee hives) could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- (m) Residents of this subdivision must recognize that the subdivision is located within one-half mile of the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated discharge of shotguns could occur from a half-hour before sunrise through sunset, and the season can run from September into January.

Riparian Use Guidelines. The following covenants, designed to guide use of the no-build/alteration zone, shall apply: (*Section 3-2-8(b)(v)(D,E) Effects on Natural Environment and Wildlife Habitat*)

- (a) No new building or alteration is allowed in the zones.
- (b) Only non-motorized access and use of the buffer zones is allowed (except for certain maintenance needs such as weed spraying).

- (c) Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- (d) Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- (e) If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- (f) In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
- (g) In summary, allow riparian areas--the drainage channel and buffer zones--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.

Proximity to Lee Metcalf National Wildlife Refuge. This subdivision is located in close proximity to the Lee Metcalf National Wildlife Refuge. The Refuge was established in 1963 to provide habitat for migratory birds. The mission of the Refuge is to manage habitat for a diversity of wildlife species with emphasis on migratory birds and endangered and threatened species, and to provide compatible human benefits associated with Refuge wildlife and wildlands. For more information on the Refuge contact them at 4567 Wildfowl Lane Stevensville, MT 59870, Phone: (406) 777-5552. (*Section 3-2-8(b)(v), Effects on Natural Environment, Effects on Wildlife & Wildlife Habitat*)

The following shall be included to help preserve the integrity of the Lee Metcalf Wildlife Refuge:

- (a) Fertilizers can adversely affect groundwater quality and ultimately wildlife and plants. Lot owners should choose plant species that require minimal fertilizer.
- (b) Pharmaceuticals of any kind shall not be flushed down a toilet or sink, as there is a possibility that these substances could contaminate water supplies. Lot owners shall contact their local pharmacist for appropriate disposal of pharmaceuticals.
- (c) It is recommended that construction, specifically tree-removal, clearing, and other dirt moving activities occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in pastures, wetlands, and tree stands.
- (d) No outdoor cats shall be allowed.
- (e) To reduce impacts on the native environment it is recommended that native trees be used for landscaping.

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v)(C), Effects on Local Services*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. *(Section 3-2-8(b)(v)(C and F), Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information. *(Section 3-2-8(b)(v)(C and F), Effects on Local Services and Public Health & Safety)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v)(A and D), Effects on Agriculture and Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(C), Effects on Local Services)*
4. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v)(C,F), Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v)(C,F), Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck.

Please contact the Three Mile Rural Fire District for further information". (Section 3-2-8(b)(v)(C,F), *Effects on Local Services and Public Health & Safety*)

7. The subdividers shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Stevensville School District. The subdividers shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Section 3-2-8(b)(v)(C), *RCSR, Effects on Local Services*)
8. The subdividers shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdividers shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Section 3-2-8(b)(v)(C, F), *RCSR, Effects on Local Services and Public Health & Safety*)
9. The final plat shall show a no-ingress/egress strip along the subdivisions frontage with Old Eastside Highway, excepting the approved access for Flyhigh Drive. (Section 3-2-8(b)(v)(C,F), *Effects on Local Services and Public Health & Safety*)
10. The subdividers shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Flyhigh Drive and Old Eastside Highway. The subdividers shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdividers shall complete the improvements prior to final plat approval. (Section 3-2-8(b)(v)(C,F), *Effects on Local Services and Public Health & Safety*)
11. Five-foot wide, ADA compliant, paved trails shall be constructed within 10-foot wide trail easements along one side of Flyhigh Drive and Flyhigh Court. Trail easements shall be shown on the final plat along the southern portion of Flyhigh Drive's intersection with Old Eastside Highway and continuing to the boundary between Lots 1 and 9 and extending from the boundary between Lots 3 and 4 along the eastern portion of Flyhigh Drive ending where Flyhigh Drive turns east. The trail shall be constructed prior to final plat approval. (Section 3-2-8(b)(v), *Effects on Public Health & Safety*)
12. The final plat shall show a no-build/alteration zone that includes all areas within the floodplain. Additionally, the no-build/alteration zone shall be extended horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The retention pond (on lot 4) is exempt from the no-build/alteration zone and allowed to remain in the proposed location. (Section 3-2-8(b)(v)(D, F), *Effects on Natural Environment, Wildlife Habitat and Public Health & Safety*)
13. The subdividers shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the subdividers shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Section 3-2-8(b)(v)(C), *Effects on Local Services*)
14. The internal subdivision roads shall be labeled as a "public road and utility easement" on the final plat. (Section 3-2-8(b)(v), *Effects on Local Services*)
15. All traffic control signs and road name signs shall be installed prior to final plat approval. (Section 3-2-8(b)(v)(C,F), *Effects on Local Services and Public Health and Safety*)

16. The Road Maintenance Agreement for the internal subdivision roads shall include a provision outlining the maintenance of the drainage swale/easement between Lots 4 and 5. (*Section 3-2-8(b)(v)(C), Effects on Local Services*)
17. The subdividers shall finish the entire stretch of drainage easement between Lot 4 and 5 with topsoil and certified weed free grass seed prior to final plat approval. (*Section 3-2-8(b)(v)(D), Effects on the Natural Environment*)
18. In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdividers and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: reservation of a no-build zone around ag soils, defining building envelopes, or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(A), RCSR, Effects on Agriculture*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - (a) Project name
 - (b) Title block
 - (c) Certificate of registered owner – notarized
 - (d) Certificate of registered land surveyor with seal
 - (e) Certificate of governing body approval
 - (f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - (g) Certificate of public dedication
 - (h) Certificate of park cash-in-lieu payment
 - (i) Other certifications as appropriate
 - (j) North arrow
 - (k) Graphic scale
 - (l) Legal description
 - (m) Property boundaries (bearings, lengths, curve data)
 - (n) Pertinent section corners and subdivision corners
 - (o) Names of adjoining subdivisions/certificates of survey
 - (p) Monuments found
 - (q) Witness monuments
 - (r) Acreage of subject parcel
 - (s) Curve data (radius, arc length, notation of non-tangent curves)
 - (t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - (u) Lots and blocks designated by number (dimensions/acreage)
 - (v) Easements/rights of ways (location, width, purpose, ownership)
 - (w) Dedication for public use (boundaries, area, purpose)
 - (x) No-build/alteration zones
 - (y) No-ingress/egress zones

- (z) Water resources (rivers, ponds, etc.)
 - (aa) Floodplains
 - (bb) ~~Irrigation canals including diversion point(s), etc.~~
 - (cc) ~~High pressure gas lines~~
 - (dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. ~~Any variance decisions shall be submitted with the final plat submittal.~~
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
 14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
 15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
 16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
 17. Road certification(s) shall be submitted with the final plat submittal.
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
 20. ~~A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.~~
 21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.~~
 22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
 23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
 24. A copy of the letter sent to the appropriate school district(s) stating the subdividers have made or are not willing to make a voluntary contribution to the school district to mitigate impacts of

the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.

25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - (a) Specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign and road name sign, installation of the CBU and concrete slab, construction of the internal subdivision roads, construction of the walking trail, construction of the bus shelter and turnout.
27. The subdivider shall pay the pro rata share of the cost to improve the portion of Old Eastside Highway leading to the subdivision or improve that portion to meet County standards prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Old Eastside Highway. (Rivers Edge II Subdivision Application and Preliminary Plat)
2. Proposed utility easements are located along Flyhigh Drive and Flyhigh Court. (Rivers Edge II Subdivision Application and Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The proposed subdivision application provides for utility easements. (Staff Determination)

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Eastside Highway, Old Eastside Highway, and Flyhigh Drive and Flyhigh Court. (Rivers Edge II Subdivision Application)
2. Eastside Highway is a state-maintained roadway. (MDT)
3. Old Eastside Highway is listed as a county-maintained roadway. (RCSR Exhibit A)
4. Flyhigh Drive is shown as a privately-maintained roadway within a 60' private access easement. (Rivers Edge II Preliminary Plat)
5. Flyhigh Court is shown as a privately-maintained roadway within a 60' private access easement. (Rivers Edge II Preliminary Plat)

Conclusions of Law

1. The subdividers are required and are proposing to build Flyhigh Court and Flyhigh Drive to County standards. (Rivers Edge II Subdivision Application, Final Plat Requirement 16)
2. Legal and physical access will be provided for each lot. (Staff Determination)

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, specific infrastructure improvements potentially required for this subdivision are the installation of a stop sign and road name sign, installation of the CBU and concrete slab, construction of the internal subdivision road, construction of the walking trail, construction of the bus shelter and turnout. (Rivers Edge II Staff Report)

Conclusions of Law

1. The subdividers are required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (Final Plat Requirements 1 and 26).

2. The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed. (Staff Determination)

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The average lot size of the proposal is 1.154 acres. (Rivers Edge II Subdivision Application)
2. There are no water rights associated with the subject property. (Rivers Edge II Subdivision Application)

Conclusions of Law

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdividers are required to:
 - (a) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (b) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (c) reserve and sever all surface water rights from the land.
2. As no water rights are present on the subject property, the subdivision is considered to have met these requirements. (Staff Determination)

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Finding of Fact

There are no irrigation ditches on or within 300 feet of the property. (Rivers Edge II Subdivision Application)

Conclusion of Law

As no irrigation ditches are present on the subject property, the subdivision is considered to have met these requirements. (Staff Determination)

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The application states that 0.52 acres are required to meet the parkland dedication requirement. (Rivers Edge II Subdivision Application)
2. All lots within the subdivision are proposed for residential use. (Rivers Edge II Subdivision Application)
3. The subdividers are proposing cash-in-lieu of parkland dedication to meet parkland donation requirements. (Rivers Edge II Subdivision Application)
4. In a letter dated October 16, 2009, Joshua Biebinger from the Ravalli County Park Board stated that the Ravalli County Park Board accepts cash-in-lieu for Rivers Edge II to meet their park obligation. (Exhibit A-1)

Conclusions of Law

1. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
2. If the BCC determines that cash-in-lieu is appropriate, the subdividers will be required to hire an appraiser as outlined in Section 6-1-7. The BCC will determine whether or not the amount is acceptable (Final Plat Requirement 12)
3. The subdividers have proposed parkland dedication that meets State Law requirements and is suitable to the Park Board. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Rivers Edge II Subdivision File)
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Rivers Edge II Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision have been followed. (Staff Determination)

B. Applicable zoning regulations.

Finding of Fact

The property is not within one of the voluntary zoning districts in Ravalli County. (Ravalli County Clerk & Recorder's Office, Ravalli County GIS Data)

Conclusion of Law

There are no zoning regulations that apply to the property. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

Title history indicates that there are no covenants or deed restrictions associated with the subject property. (Ravalli County Clerk & Recorder's Office)

Conclusion of Law

There are no covenants or deed restrictions that apply to this property. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The subdividers were made aware of the applicable regulations at the pre-application conference held on September 28, 2005. (Rivers Edge II Subdivision File)
3. Prior to final plat approval, the subdividers are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusions of Law

1. Prior to final plat approval, the subdividers are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)
2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

GENERAL BACKGROUND

Findings of Fact:

1. The proposed major subdivision on 10.37 acres will result in 9 lots that range in size from 1.0 acres to 1.4 acres. (Rivers Edge II Subdivision Application)
2. The property is currently owned by Flyhigh Developers Corporation. (Subdivision Application Form - (Rivers Edge II Subdivision Application)
3. The property is located approximately 7 miles north of the Town of Stevensville off Old Eastside Highway. (Ravalli County GIS Data)

Conclusions of Law:

1. The Ravalli County Subdivision Regulations state that Ravalli County reviews a subdivision proposal for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." (Section 3-2-8(b)(v), RCSR)
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486)
3. The subdivision will be reviewed for the following primary criteria: "the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety." (Staff Determination)
4. In subdivision review, Ravalli County "may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through review." (Section 3-2-7(d), RCSR)
5. When requiring mitigation, Ravalli County must consult the subdivider and "give due weight and consideration to the expressed preference of the subdivider." (MCA 76-3-608(5)(b))

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The subject parcel is classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. Parcels adjacent to the subject property are classified for tax purposes as vacant land rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. The new soils data available from the NRCS Web Soil Survey shows that there are soils rated as "Prime Farmland if Irrigated" on approximately 50% of the subject property. (NRCS Websoil Survey)
4. The subdividers submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found scattered throughout and around the property. (Rivers Edge II Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-7(b)(1), RCSR)
2. The Ravalli County Subdivision Regulations do not include design and development standards or final plat requirements relating to the protection of prime farmland or farmland of statewide importance. (Staff Determination)
3. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a re-vegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
4. The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)
5. With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Agriculture

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *In order to alleviate any impacts of the subdivision relative to the potential loss or disturbance of farmland soil of statewide importance, it is recommended that the subdividers and BCC negotiate an acceptable form of mitigation. Potential mitigative measures may include, but are not limited to: reservation of a no-build zone around ag soils, defining a building envelope on proposed Lot 3, or providing a monetary contribution to an acceptable organization. The subdivider shall ensure that any decided upon mitigation has been implemented prior to final plat approval. (Condition 18)*

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with this property. (Rivers Edge II Subdivision Application)
2. There are no irrigation ditches on or within 300 feet of the property. (Rivers Edge II Preliminary Plat and Subdivision Application)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-7(b)(2))
2. As no water rights or irrigation infrastructure are present on the subject property, the subdivision should have no impact on agricultural water user facilities. (Staff Determination)

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Three Mile Rural Fire District. (Rivers Edge II Subdivision Application)
2. Notification letters were sent to the Three Mile Rural Fire District requesting comments on February 6, 2007, October 6, 2008, and September 22, 2009, but no comments have been received to date. (Rivers Edge II Subdivision File)
3. The Three Mile Fire District has a station approximately .5 miles to the north of the proposed subdivision. (Ravalli County GIS)
4. The Three Mile Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. (Exhibit A-2)

School District

5. With this subdivision, it is estimated that approximately 4.5 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household (Census 2000).
6. Notification letters were sent to the Stevensville School District requesting comments on February 5, 2007, October 6, 2008, and September 22, 2009. (Rivers Edge II Subdivision File)
7. In a letter dated October 31, 2008, Kent Kultgen, Stevensville Schools Superintendent, requested \$2,558 per lot to offset the expense of expanded enrollment in the school system. (Exhibit A-10)
8. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-3)
9. Stevensville district bus policy stipulates the buses can only travel on county and state maintained roads. (Exhibit A-10)
10. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be \$7,970.50 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). The tax levy per pupil excluding capital would be \$2,514 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). (Exhibit A-4)

Roads

11. This subdivision will add 64 additional trips per day to the road network. (Rivers Edge II Subdivision Application)
12. The property will be accessed via Eastside Highway, Old Eastside Highway, Flyhigh Drive and Flyhigh Court. (Rivers Edge II Subdivision Application)
13. Eastside Highway is a state-maintained roadway. (MDT)
14. Old Eastside Highway is listed as a county-maintained roadway. (RCSR)
15. Flyhigh Drive is shown as a privately-maintained roadway within a 60' private access easement. (Rivers Edge II Preliminary Plat)

16. Flyhigh Court is shown as a privately-maintained roadway within a 60' private access easement. (Rivers Edge II Preliminary Plat)
17. The amended preliminary road plans for Flyhigh Drive and Flyhigh Court were approved April 14, 2009 by the Ravalli County Road and Bridge Department (RCRBD). (Rivers Edge II Subdivision File)
18. In a letter dated February 13, 2007, Glen Cameron of MDT stated he had no specific comments or any immediate concerns regarding the proposed 5-lot residential subdivision. Modifications to the intersection with the East Side Highway were completed by the adjacent subdivision. (Exhibit A-5)
19. In an email dated October 29, 2008, Glen Cameron noted that it appeared 4 lots were added to the proposed development and that even with the addition of 4 lots, there were no immediate concerns. (Exhibit A-6).
20. The subdividers are proposing to improve the portion of Old Eastside Highway that accesses the subdivision to meet County standards; alternatively they would be required to pay the pro-rata share for improving the road. (Rivers Edge II Subdivision File)
21. There is a 20-foot wide drainage easement which traverses the property line between Lots 4 and 5 leading to a retention pond. (Rivers Edge II Preliminary Plat)

Public Safety

22. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Rivers Edge II Subdivision Application)
23. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 5, 2007, October 6, 2008, and September 22, 2009, but no comments have been received to date. (Rivers Edge II Subdivision File)
24. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 22.5 people to the County. (Census 2000)
25. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Office of Emergency Management (OEM). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)

Emergency Services

26. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on February 5, 2007, October 6, 2008, and September 22, 2009, but no comments have been received to date. (Rivers Edge II Subdivision Application)

Water and Wastewater Districts

27. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Rivers Edge II Subdivision Application)

Solid Waste Services

28. Bitterroot Disposal provides service to this site. (Rivers Edge II Subdivision Application)
29. Notification letters were sent to Bitterroot Disposal requesting comments on February 5, 2007, October 6, 2008, and September 22, 2009, but no comments have been received to date. (Rivers Edge II Subdivision File)

Utilities

30. Existing utility easements are located along Old Eastside Highway as shown on the plat. (Rivers Edge II Subdivision Application and Preliminary Plat)
31. Proposed utility easements are located along Flyhigh Drive and Flyhigh Court as shown on the plat. (Rivers Edge II Subdivision Application and Preliminary Plat)

32. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (Rivers Edge II Subdivision Application)
33. Notification letters were sent to Northwestern Energy Company and Qwest Communications requesting comments on February 5, 2007, October 6, 2008, and September 22, 2009, but no comments have been received to date. (Rivers Edge II Subdivision File)

Postal Service

34. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-7).

Conclusions of Law

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), Section 3-2-7(b)(3), RCSR)

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)

School District

3. A copy of the letter sent to the appropriate school district(s) stating the subdividers have made or are not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)
4. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))

Roads

5. The RCRBD's Access Encroachment Policy establishes guidelines for the issuance of approach permits. Section III(c) sets the standards associated with new approaches onto local access roadways. The proposal meets the RCRBD adopted policy. (Ravalli County Resolution No. 2287)
6. Where a subdivision is accessed by a substandard County-maintained road(s), the developer shall contribute to the County an amount equal to the pro-rata share of the improvements necessary to bring said road(s) up to County road standards as described in the County's adopted standards over its relevant length as listed in Table A-I. (RCSR Section 5-4-5(d))
7. A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
8. The subdividers shall submit final approved approach permit from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)
9. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal. (Final Plat Requirement 16)
10. Road certification(s) shall be submitted with the final plat submittal. (Final Plat Requirement 17)

Water and Wastewater Districts

11. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
12. The subdividers are required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)

Solid Waste Services

13. The method of solid waste disposal shall be specified during preliminary plat review. (RCSR Section 5-7-2(a))

Mail Delivery Services

11. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision (RCSR 5-7-3)

Utilities

12. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
13. The subdividers shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)
14. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)
- The notifications document filed with the final plat shall include a statement notifying lot owners of the road maintenance agreement. (Condition 1)
- The notifications document filed with the final plat shall include a statement notifying lot owners of the location of the drainage easements located on the Lots 4 and 5. (Condition 1)
- Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
- The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)
- Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$900-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 6)
- The subdividers shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on the Stevensville School District. The subdividers shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)
- The subdividers shall negotiate adequate mitigation with the BCC to alleviate impacts of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdividers shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 8)
- The final plat shall show a no-ingress/egress strip along the subdivisions frontage with Old Eastside Highway, excepting the approved access for Flyhigh Drive. (Condition 9)

- *The subdividers shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Flyhigh Drive and Old Eastside Highway. The subdividers shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdividers shall complete the improvements prior to final plat approval. (Condition 10)*
- *The subdividers shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that its installation has been approved by the Stevensville post office prior to final plat approval. Alternatively, the subdividers shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Condition 13)*
- *The internal subdivision roads shall be labeled as a "public road and utility easement" on the final plat. (Condition 14)*
- *All traffic control signs and road name signs shall be installed prior to final plat approval. (Condition 15)*
- *The Road Maintenance Agreement for the internal subdivision road shall include a provision outlining the maintenance of the drainage swale/easement between Lots 4 and 5. (Condition 16)*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. The Bitterroot River and its associated riparian areas lie approximately 75 feet to the west of the subject property. The property does not border the Bitterroot River. (Ravalli County GIS)
2. According to the Ravalli County Floodplain Maps, the subject property was entirely located within the 100-year floodplain of the Bitterroot River. The property owner subsequently received a Letter of Map Revision – Floodway (LOMR-FW) in 2005 (Case #06-08-0046A) from the Federal Emergency Management Agency (FEMA) which effectively removed a significant portion of the parcel from the floodplain. Although the proposed building envelopes are no longer located within the 100-year floodplain, the western portion of the parcel is still within the floodplain and could therefore be subject to flood hazards. (Exhibit A-9)
3. In a letter dated October 16, 2008, Ravalli County Floodplain Administrator Laura Hendrix recommended that to allow for possible channel migration and bank erosion, the no-build/alteration zone should include all areas within the floodplain and should additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. (Exhibit A-9)
4. In a letter dated November 19, 2008, Montana Fish, Wildlife and Parks (FWP) recommended the following in regards to the Bitterroot River: (Exhibit A-13)
 - (a) The subject property is mostly sited on a bench above the floodplain, but the property does include the sharp slope to the west of the bench and a bit of the floodplain below. At one time, the Bitterroot River's high-water mark would have been the sharp slope leading up to the bench. The eastern edge of the proposed no-build/alteration zone appears to be at or near the top of the bench, and this zone continues westerly downhill to the subject property's boundary in the floodplain. FWP recommends extending the eastern edge of the "no build/ alteration zone" for this subdivision from the top of the bench to a minimum of 50 feet eastward onto the bench in order to increase the buffer between the river and the subdivision.
 - (b) Locate all lots to be outside this "no build/ alteration zone."
 - (c) Designate the entire no-build/alteration zone as part of the common area for the subdivision.
 - (d) Add a section to the covenants that regulates or guides the development and use of this riverfront commons area.

5. The letter received November 19, 2008, from FWP also included recommended riparian use guidelines designed to guide use of the no-build/alteration zone. (Exhibit A-13)

Ground Water Quality

6. The subdividers are proposing individual wells and wastewater facilities. (Rivers Edge II Subdivision Application)
7. The subdividers submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Rivers Edge II Subdivision Application)
8. In her recommendations dated October 16, 2008, Ravalli County Floodplain Administrator Laura Hendrix stated that the proposed wells and retention pond (on lot 4) should be exempt from the no-build/alteration zone and allowed to remain in the proposed locations. (Exhibit A-9)
9. There is a 40' x 40' x 2' deep retention pond located within a 60' x 60' easement located on Lot 4 and a 20-foot wide drainage easement traversing the property line between Lots 4 and 5. (Rivers Edge II Preliminary Plat)

Air Quality

10. This proposed subdivision would add 9 new homes to an area of existing medium density development north of Stevensville. (Rivers Edge II Preliminary Plat) (Site Visit)
11. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-8)

Light Pollution

12. The addition of three new residential homes in an area that currently has medium density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
13. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated November 3, 2008 that states she has concerns about artificial light affecting mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. She recommends that the subdivision follow the guidelines as suggested by the International Dark-Sky Association. (Exhibit A-11)

Vegetation

14. The subdividers submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found scattered throughout the property and spotted knapweed was found scattered around the property. (Rivers Edge II Subdivision Application)
15. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Rivers Edge II Subdivision Application).
16. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated November 3, 2008. In the letter she recommends that plant species for any common areas require minimal fertilizer. She also recommends the subdividers work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. (Exhibit A-11)
17. Fish, Wildlife, & Parks (FWP) submitted comments July 1, 2004 on the Rivers Edge subdivision. Rivers Edge II is located adjacent to Rivers Edge subdivision. Many of the comments submitted for the Rivers Edge subdivision are relevant to this proposal. (Exhibit A-12)

Noise Levels

18. This subdivision is located 0.4 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)
19. Due to the proximity of this proposed subdivision to the Lee Metcalf Refuge and Bitterroot River, there is a possibility of conflict between waterfowl hunters and residents of the subdivision. Waterfowl hunting occurs from early morning until sunset, and the season can run from September into January. (Exhibit A-13)

Historical/Archeological Sites

16. The application states that there are no known sites of historical significance on the property. (Rivers Edge II Application)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(D))

Surface Water Features

2. Individual wells and septs must be setback a minimum of 100 horizontal feet from floodplain boundaries. (ARM 17.36.918)
3. Although FWP recommended a 50-foot no-build/alteration zone common area from the top of the bench extending east, Staff believes a 100-foot no-build/alteration zone from the western edge of the LOMR-FW boundary line a minimum of 100 feet to the east to be better mitigation. The inclusion of the 100-foot no-build/alteration zone will still guarantee that no structures will be placed within 100 feet of the floodplain, and ensure that property owners meet the requirements of ARM 17.36.918. (Staff Determination)

Ground Water Features

4. The subdividers are required to submit the DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)
5. Individual wells and septs must be setback a minimum of 100 horizontal feet from floodplain boundaries. (ARM 17.36.918)

Air Quality

6. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)

Vegetation

7. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
8. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)
9. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Natural Environment

- A notice of the no-build/alteration zone shall be included in the notifications document. (Condition 1)

- To mitigate impacts on air quality, the notifications document shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 1)
- To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)
- A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)
- The covenants shall include a riparian use guidelines section to guide the use of the no-build/alteration zone. (Condition 2)
- The covenants shall include a proximity to Lee Metcalf National Wildlife Refuge section. (Condition 2)
- To mitigate impacts of the subdivision being in close proximity to noise from hunting along the Bitterroot River, a notification of the potential noise shall be included in the covenants. (Condition 2)
- The covenants shall include an archeological resources section. (Condition 2)
- The final plat shall show a no-build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no-build/alteration zone and allowed to remain in the proposed locations. (Condition 12)
- The subdividers shall finish the entire stretch of drainage easement between Lots 4 and 5 with topsoil and certified weed free grass seed prior to final plat approval. (Condition 17)

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on February 6, 2007, October 6, 2008, and September 22, 2009. (Rivers Edge II Subdivision File)
2. Fish, Wildlife, & Parks submitted comments July 1, 2004 on the Rivers Edge subdivision. Rivers Edge II is located adjacent to Rivers Edge Subdivision. Many of the comments submitted for the Rivers Edge subdivision are relevant to this proposal. (Exhibit A-12)
3. In a letter received November 19, 2008, FWP stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-13)
4. Wildlife abounds in the general vicinity of this subdivision. In particular, animals such as white-tailed deer, fox and skunks are found in the area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species, including waterfowl and birds of prey can be found nearby, as well as nesting birds. (Exhibit A-12)
5. The Bitterroot River and its associated riparian areas lie approximately 75 feet to the west of the subject property. The property does not border the Bitterroot River. (Ravalli County GIS)
6. According to the Montana Natural Heritage Program, the Westslope Cutthroat Trout, Lewis's Woodpecker, Bobolink, and Bird Rookery were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Ravalli County GIS)
7. The subdividers requested and received a waiver from the requirement to submit a sensitive species report for the Westslope Cutthroat Trout, Lewis's Woodpecker, and Bird Rookery because of lack of habitat on the property and negligible impacts for all species. (Rivers Edge II Subdivision Application, Rivers Edge II Subdivision File)
8. The subdividers submitted a sensitive species report for the Bobolink that was prepared by Log Cabin Environmental Consulting. The report stated this parcel does not appear to provide the preferred habitat for Bobolinks. (Rivers Edge II Preliminary Plat)
9. The addition of nine new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into

neighbor's homes, and energy waste are some of the components of light pollution.

(International Dark-Sky Association)

10. The property is located approximately 0.4 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)
11. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated November 3, 2008 that states she has concerns about artificial light affecting mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. She recommends that the subdivision follow the guidelines as suggested by the International Dark-Sky Association. (Exhibit A-11)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486, Exhibit A-8)
3. With the mitigating condition of approval, impacts on wildlife will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Wildlife

- *The notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)*
- *The covenants shall include a living with wildlife section. (Condition 2)*
- *The covenants shall include riparian use guidelines. (Condition 2)*
- *The covenants shall include provisions related to the proximity of the property to the Lee Metcalf National Wildlife Refuge. (Condition 2)*

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

4. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on February 6, 2007, October 6, 2008, and September 22, 2009. (Rivers Edge II Subdivision File)
5. Fish, Wildlife, & Parks submitted comments July 1, 2004 on the Rivers Edge subdivision. Rivers Edge II is located adjacent to Rivers Edge Subdivision. Many of the comments submitted for the Rivers Edge subdivision are relevant to this proposal. (Exhibit A-12)
6. In a letter received November 19, 2008, FWP stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-13)
7. The letter received November 19, 2008, from FWP also included recommended riparian use guidelines designed to guide use of the no-build/alteration zone. (Exhibit A-13)
8. The property is not located within big-game winter range. (FWP Data)
9. The Bitterroot River and its associated riparian areas lie approximately 75 feet to the west of the subject property. The property does not border the Bitterroot River. (Ravalli County GIS)
10. According to the Montana Natural Heritage Program, the Westslope Cutthroat Trout, Lewis's Woodpecker, Bobolink, and Bird Rookery were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Ravalli County GIS)
11. The subdividers requested and received a waiver from the requirement to submit a sensitive species report for the Westslope Cutthroat Trout, Lewis's Woodpecker, and Bird Rookery because of lack of habitat on the property and negligible impacts for all species. (Rivers Edge II Subdivision Application, Rivers Edge II Subdivision File)
12. The subdividers submitted a sensitive species report for the Bobolink that was prepared by Log Cabin Environmental Consulting. The report stated this parcel does not appear to provide the

preferred habitat for Bobolinks. (Rivers Edge II Preliminary Plat)

13. The property is located approximately 0.4 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)

Conclusion of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife and wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. House Bill 486 was recently signed into law by the Governor on May 5, 2009. HB 486 amended MCA 76-3-608, which revises the primary subdivision review criteria to separate effects on wildlife and effects on wildlife habitat into separate review criteria. (House Bill 486, Exhibit A-8)
3. With this division of land, impacts on wildlife habitat will be minimal. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Wildlife Habitat

- *The notifications document shall include a notice of the no-build/alteration zone.*
- *The covenants shall include a riparian use guidelines section to guide the use of the no-build/alteration zone. (Condition 2)*
- *The covenants shall include provisions related to the proximity of the property to the Lee Metcalf National Wildlife Refuge. (Condition 2)*
- *The final plat shall show a no-build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no-build/alteration zone and allowed to remain in the proposed locations. (Condition 12)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The property will be accessed via Old Eastside Highway, Flyhigh Drive, and Flyhigh Court. (Rivers Edge II Subdivision Application)
2. In a letter dated October 16, 2009 the Ravalli County Park Board recommended that the subdividers, as part of their transportation system, construct a five foot wide access trail along the road. (Exhibit A-1)

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Rivers Edge II Subdivision Application)
4. The property is located 1,000 feet from the Lone Rock Fire Station. (Ravalli County GIS)
5. The property is located 3.5 miles from the Stevensville Fire Station. (Rivers Edge II Subdivision Application)
6. The property is located approximately 23 miles from the Sheriff's Dispatch in Hamilton. (Rivers Edge II Subdivision Application)

Water and Wastewater

7. The subdividers are proposing individual wells and wastewater facilities. The subdividers submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Rivers Edge II Subdivision Application)

Natural and Man-Made Hazards

8. The Bitterroot River and its associated riparian areas lie approximately 75 feet to the west of the subject property. The property does not border the Bitterroot River. Though the area defined as floodplain is currently proposed to be encumbered by a no-build/alteration zone, rivers and streams are prone to migration, which could affect the boundary of the floodplain. (Ravalli County GIS, Floodplain Management Study Bitterroot River, Ravalli County, Montana (November, 1995) and RCSR Section 5-2-1(3))
9. According to the Ravalli County Floodplain Maps, the subject property was entirely located within the 100-year floodplain of the Bitterroot River. The property owner subsequently received a Letter of Map Revision – Floodway (LOMR-FW) in 2005 (Case #06-08-0046A) from the Federal Emergency Management Agency (FEMA) which effectively removed a significant portion of the parcel from the floodplain. Although the proposed building envelopes are no longer located within in the 100-year floodplain, the western portion of the parcel is still within the floodplain and could therefore be subject to flood hazards. (Exhibit A-9)
10. In her letter dated October 16, 2008, Ravalli County Floodplain Administrator Laura Hendrix recommended the following: (Exhibit A-9)
 - (a) To allow for possible channel migration and bank erosion, the no-build/alteration zone should include all areas within the floodplain and should additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet.
 - (b) It is strongly recommended that the future property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages.
 - (c) Basements and below grade crawl spaces should be prohibited in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Requiring above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems.
11. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
12. The addition of nine new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
13. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. (Rivers Edge II Preliminary Plat)
14. The preliminary plat shows and a site visit confirmed that wetlands and a riparian area exist along the western edge of the property. (Rivers Edge II Preliminary Plat, Site Visit)
15. Portions of the subject property are may be encumbered by the dam inundation zones of Lake Como and Painted Rocks Reservoir. (Ravalli County GIS)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety

2. The requirements listed under Roads and Pedestrian Facilities in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic and pedestrian safety. (Staff Determination)

Emergency Vehicle Response Time

3. The requirements listed under Fire Department, Public Safety, Emergency Services, and Roads in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on emergency vehicle access and response time. (Staff Determination)

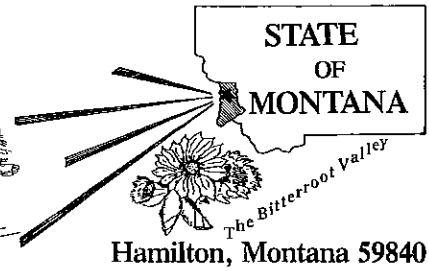
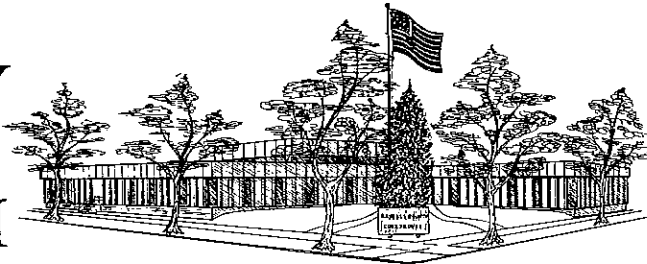
Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the subdividers are required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The subdividers are required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)
6. Individual wells and septs must be setback a minimum of 100 horizontal feet from floodplain boundaries. (ARM 17.36.918)
7. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health and Safety

- The conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.
- The conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.
- A notification of very limited soils shall be included in the notification document. A reduced copy of the final plat showing the approximate location of the "very limited" soils shall be included with the notifications document as an exhibit. (Condition 1)
- A notification of the potential location within the Lake Como and Painted Rocks dam inundation zones shall be included in the notification document. A reduced copy of the final plat showing the approximate location of the inundation zones shall be included with the notifications document as an exhibit. (Condition 1)
- The notifications document filed with the final plat shall include information for lot owners about developing near the floodplain. (Condition 1)
- A notice of the no-build/alteration zone shall be included in the notifications document. (Condition 1)
- The notifications document shall include a statement regarding radon exposure. (Condition 1)
- The notifications document shall include a statement recommending all lot owners obtain flood insurance. (Condition 2)
- The notifications document shall include a provision recommending full cut-off lighting on new construction. (Condition 1)
- Five-foot wide, ADA compliant, paved trails shall be constructed within 10-foot wide trail easements along one side of Flyhigh Drive and Flyhigh Court. Trail easements shall be shown on the final plat along the southern portion of Flyhigh Drive's intersection with Old Eastside Highway and continuing to the boundary between Lots 1 and 9 and extending from the boundary between Lots 3 and 4 along the eastern portion of Flyhigh Drive ending where Flyhigh Drive turns east. The trail shall be constructed prior to final plat approval. (Condition 11)
- The final plat shall show a no-build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no-build/alteration zone and allowed to remain in the proposed locations. (Condition 12)

COUNTY OF RAVALLI



Ravalli County Park Board
215 South 4th Street, Suite A
Hamilton, Mt 59840
406-375-6500 • 406-375-6507 fax

Hamilton, Montana 59840

RECEIVED

OCT 19 2009
IC-09-10-704
Ravalli County Planning Dept

October 16, 2009

Randy Fifrick
Ravalli County Planning Department
215 4th Street, Suite C
Hamilton, Mt 59840

Subject: Rivers Edge II Major Subdivision

Dear Mr. Fifrick:

The Ravalli County Park Board Accepts cash-in-lieu for Rivers Edge II Major Subdivision with consideration of easement between lots 4&5 and a five foot wide access trail along the road.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

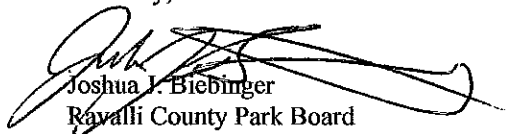

Joshua J. Biebinger
Ravalli County Park Board

EXHIBIT A-1

RECEIVED

JUL 27 2009

IC-09-07-572
Ravalli County Planning Dept.

**Ravalli County Fire Council
Ravalli County, Montana
November 2008**

FIRE PROTECTION STANDARDS

The Ravalli County Fire Council (RCFC) has adopted Fire Protection Standards (FPS) for all new subdivisions within Ravalli County. These standards were established with consideration for the life and safety of the residents of Ravalli County, as well as the volunteer firemen and firewomen who protect Ravalli County, and to mitigate possible harm to the general public.

In establishing these standards emphasis was given to the National Fire Protection Association (NFPA) 1 Uniform Fire Code and The Ravalli County Subdivision Regulations (as amended May 24, 2007). These codes and regulations establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1 Uniform Fire Code and establishes a minimum fire prevention code for Montana.

ACCESS ROADS

As used in this document, fire apparatus access roads include both internal subdivision roads, and individual driveways leading to structures from County or non-County maintained roads. Where the provisions of this document differ from the provisions of NFPA 1, the provisions of this document shall control.

The Fire District/Department requires that all roads and bridges meet or exceed, and are maintained to, the minimum requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Section 18.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction of a Fire District in Ravalli County.

18.2.2.2 Access To Buildings. A fire apparatus access road shall extend to within 50 ft (15 m) of a single exterior door providing access to the interior of the building.

18.2.2.3.1 Additional Requirements For Access To Buildings. Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building hereafter constructed or moved into or within the

jurisdiction is located not more than 150 feet (46 m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.

18.2.2.4 Multiple Access Roads. More than one fire apparatus access road shall be provided when it is determined by the Fire Chief that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

18.2.2.5.1 Dimensions. To allow the safe passage of fire apparatus to and from an incident, fire apparatus access roads shall have an unobstructed travel surface not less than 20 feet in width (6.1 m) and one-foot shoulders on each side for a total width of 22-feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m) over its entire length.

18.2.2.5.2 Surface. Fire apparatus access roads, including internal subdivision roads and individual driveways, shall be designed and maintained to support the imposed loads of fire apparatus over its entire length and shall be provided with a surface so as to provide all-weather driving capabilities.

- The surface of internal subdivision roads shall meet the specifications of the Ravalli County Subdivision Regulations.
- The surface of individual driveways shall be graded and surfaced with gravel, at a minimum.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Fire Chief. The Board of County Commissioners of Ravalli County set the maximum acceptable road grade at ten percent (10%). The Fire Chief may request that access roads be built to not exceed a grade of 6%. The Fire Chief shall write or otherwise contact the Planning Department with the specific request, and outline the rationale for making such a request. The request shall be made prior to the Commissioners meeting/hearing on the proposal.

18.2.2.5.7 Marking of Fire Apparatus Access Road. The Fire District/Department requests that as soon as construction begins all lots (premises) be posted with a temporary or permanent address at the premises driveway and upon occupancy with a permanent address posted in accordance with the NFPA 1.

Exception: When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and the road standards as stated in the Ravalli County Subdivision Regulations.

BUILDING STANDARDS

The RCFC requests that all residential buildings be built to International Residential Building Code (IRBC) standards in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

FIRE FLOW REQUIREMENTS

At a minimum, every subdivision shall be provided with a water supply for the purpose of fire fighting as specified in NFPA 1. Fire flow requirements will be based upon the smallest lot size in a subdivision. Subdivisions may provide water according to the provisions below, or provide \$900 per lot cash-in-lieu of water.

Single-Family Dwellings:

Acres Per Lot/Density	Required GPM	Fire Flow Requirement Options
20 or more acres per lot	500/one hour	#1 or #2 or #3
5 - 19.99 acres	500/two hours	#1 or #2
1 - 4.9 acres	750/two hours	#1 or #2
.5 - .99 acres	1000/two hours	#1 or #2
.25 - .49 acres	1000/two hours	Hydrants spacing every 1000 feet, and #2
Less than .25 acres	1500/two hours	Hydrants spacing every 500 feet, and #2 or #4

Fire Flow Requirement Options

Option #1. Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year round and the Fire District/Department must have legal access in perpetuity.

Option #2. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 PSI from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and to the County Planning Department prior to the filing of the final plat.

Option #3. 30,000 gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.

Option #4. Water shall be supplied by a community water system. The system shall be capable of delivering the required gpm at a minimum of 20 PSI from approved fire hydrants. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and County Planning.

Single-Family Dwellings Greater Than Two Stories:

In addition to providing water supply according to the above requirements, single-family dwellings more than two stories in height above ground are required to install a residential sprinkler system. The system shall be engineered, installed, fully operational and compliant with the current edition of the applicable NFPA standard.

Buildings Other Than Single-Family Dwellings:

All other developments including multi-family dwellings, commercial, industrial, or mixed use buildings require fire flows higher than 500 GPM for 120 minutes and will have to be engineered by the developer to determine needed fire flows in accordance to NFPA 1 fire flow requirements. The Fire District/Department shall approve of the design for fire flow prior to construction and the fire flow facilities after construction.

Buildings other than single-family dwellings shall be sprinkled according to NFPA standards. Commercial storage units are exempt from sprinkling requirements.

Cash-in-lieu of Water Option:

The Fire District/Department realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$900.00 (Nine Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$900.00 per lot will be due prior to the final plat approval of the subdivision. Funds paid in lieu of the water supply required by the NFPA 1 will be used to maintain or improve fire protection within the District/Department.

Reduced Required Fire Flow with Sprinkler System:

If all habitable structures are sprinkled according to NFPA standards, then up to one half of the water supply requirements will be waived and the in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$450.00 per lot will be due prior to the final plat approval of the subdivision. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$450.00 payment, regardless of whether they have sprinklers in residences located on them or not.


Maintenance:

The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5. A homeowners association must be created. Homeowners association documents shall describe how water supply systems are

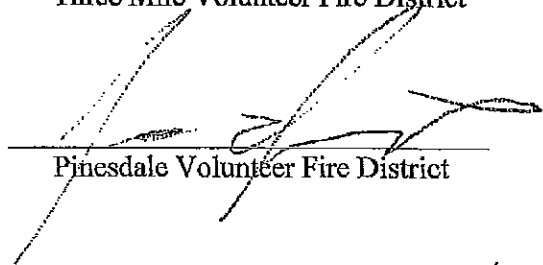
to be maintained currently and in the future, by whom, and how local fire protection authority can be assured that the water supply will function appropriately. An easement for unrestricted use by the fire department, in perpetuity, of the water supply system shall be recorded and noted on the plat. The fire department will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades or other measures necessary to assure the system functions to original specifications.

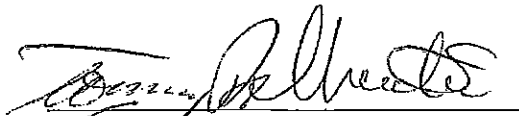
Ravalli County Fire Council:



Florence Volunteer Fire District

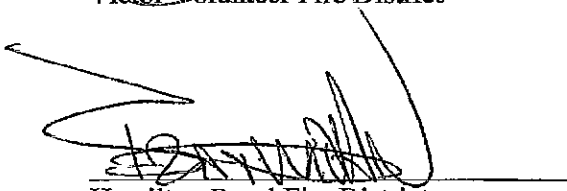

Three Mile Volunteer Fire District



Stevensville Rural Volunteer Fire District


Pinesdale Volunteer Fire District

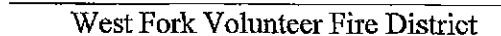

Victor Volunteer Fire District

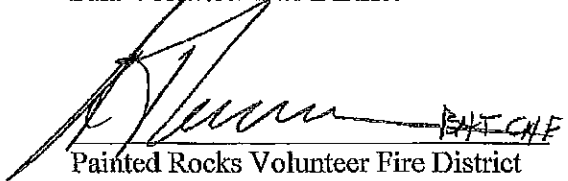

Corvallis Volunteer Fire District


Hamilton Rural Fire District


Darby Volunteer Fire District


Sula Volunteer Fire District


West Fork Volunteer Fire District


Painted Rocks Volunteer Fire District

RECEIVED

OCT 15 2007
IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

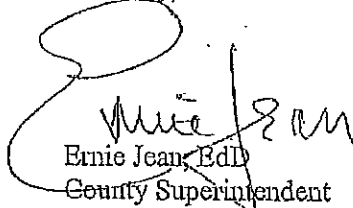

Ernie Jean, EdD
County Superintendent

EXHIBIT A-3

Budget Per Pupil/Tax Levy Per Pupil

RECEIVED

Year 2008-2009

AUG 10 2009
#C-07-08-608
Ravalli County Planning Dept.

School	Total Students		Budget	
	Budget	October Count	Per Pupil	
Corvallis	9,686,688	1,440	6,727	
Stevensville Elem	4,606,392	639	7,209	
Stevensville HS	3,990,733	457	8,732	
Hamilton	11,455,380	1657	6,913	
Victor	2,516,347	376	6,692	
Darby	3,952,902	457	8,650	
Lone Rock Elem	2,026,281	317	6,392	
Florence	6,245,720	917	6,811	

NOTE: This does not include any federal funds or budget for federal programs.
This makes these figures reflect budget and revenue only from
state, county and local sources.

School	Total Tax		Students		County Levy		Tax Levy		Total		Tax Levy	
	Except Capital	October Count	County Levy	Capital	Exc Capital	Total Capital	Per Pupil Tax Capital	Inc Capital	Per Pupil Tax Capital	Inc Capital	Per Pupil Tax Capital	Inc Capital
Corvallis	1,945,571	1,440	960,886	2,018	158,095	109.79	3,064,552	2,128				
Stevensville Elem	853,220	639	425,003	2,000	198,155	310.10	1,476,378	2,310				
Stevensville HS	1,062,245	457	321,675	3,028	0	0.00	1,383,920	3,028				
Hamilton	3,147,024	1,657	1,153,576	2,595	934,563	564.01	5,235,163	3,159				
Victor	554,255	376	261,145	2,169	325,709	866.25	1,141,109	3,035				
Darby	1,227,438	457	412,405	3,588	0	0.00	1,639,843	3,588				
Lone Rock Elem	438,161	317	231,000	2,111	103,686	327.09	772,847	2,438				
Florence	1,468,060	917	591,759	2,246	35,194	38.38	2,095,013	2,285				

NOTES:

- 1 Total Tax except capital - local taxes excluding debt service
- 2 Student October Count - The first official student count day
- 3 County Levy - The county levies for districts retirement and transportation
- 4 Tax Levy per pupil - total tax plus county levy divided by the student October count
- 5 Total Capital - Amount levied for debt service
- 6 Tax Capital per pupil - Cost per pupil for debt service
- 7 Total Tax levy plus Capital Tax - all levied dollars for schools
- 8 Total Tax levy plus Capital Tax - all levied dollars for schools per pupil



Montana Department of Transportation

Jim Lynch, Director
Brian Schweitzer, Governor

Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

RECEIVED

FEB 14 2007

IC-07-02-186
Ravalli County Planning Dept

February 13, 2007

John Lavey
Ravalli County Planning
215 South 4th Street; Suite F
Hamilton, MT 59840

Subject: 5-lot minor residential subdivision "River Edge Two"

John, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 5-lot residential subdivision "River Edge Two". The proposed subdivision is located off of the East Side Highway (S-203) on old east side highway north of the community of Stevensville.

I have no specific comments or any immediate concerns regarding the proposed 5-lot residential subdivision. Modifications to the intersection with the East Side Highway were completed by the adjacent subdivision.

I do however continue to urge Ravalli County to consider the future operations of the transportation system. As development continues in Ravalli County, the transportation needs are going to increase. Intersection and roadway improvements will be needed in many locations. Funding for these improvements will be very hard to find, if not impossible. These are all funds that could be assessed as an impact or mitigation type fee and then reserved for use at a later date.

MDT encourages Ravalli County to work towards creating and assessing impact or mitigation type fees to address these current and future transportation needs.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent

Randy Fifrick

From: Cameron, Glen [gcameron@mt.gov]
Sent: Wednesday, October 29, 2008 7:52 AM
To: Randy Fifrick
Subject: RE: Comments for Rivers Edge II Major Subdivision

Randy - I received a sufficiency letter and did not feel you were asking for additional comments beyond those submitted in 2007. It does appear 4 more lots were added. No additional comments.

Attached are my comments from 2007 - thanks

*Glen Cameron
Missoula District Traffic Engineer
Montana Department of Transportation
2100 West Broadway
P.O. Box 7039
Missoula, MT 59807-7039
phone: 406.523.5800
gcameron@mt.gov*

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, October 28, 2008 4:27 PM
To: Cameron, Glen; kultgen@montana.com
Subject: Comments for Rivers Edge II Major Subdivision

All,

I am in the process of writing the Staff Report for Rivers Edge II major subdivision. You should have received a letter dated October 6, 2008 describing the proposal. Rivers Edge II is a 9-lot major subdivision on 10.45 acres. The subdivision is located off Old Eastside Highway north of the Town of Stevensville. If you could get me any comments you may have within the next week I would very much appreciate it. If you have additional questions for me don't be afraid to ask.

Thanks,

Randy Fifrick

*Ravalli County Planner I
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfifrick@ravallicounty.mt.gov*

EXHIBIT A-6

10/29/2008

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

EXHIBIT A-7

6/29/2007

BIG SKY DISTRICT
GROWTH MANAGEMENT



June 8, 2007

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.

1C-07-06-729

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas
Growth Management Coordinator
Big Sky District

641 S 26th STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5768
EMAIL: MIKE.WYRWAS@USPS.GOV

Randy Fifrck

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2007 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A-8

10/29/2008



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravalliacounty.mt.gov

OG-08-10-865

MEMO

Date: October 16, 2008

To: Randy Fifrick, Ravalli County Planner

From: Laura Hendrix, Ravalli County Floodplain Administrator

A handwritten signature in dark ink, appearing to be "LH", is written over the name "Laura Hendrix" in the "From:" line.

RE: Rivers Edge II Proposed Subdivision
Parcel #443100, Geocode #1869-25-4-03-13-0000

Thank you for the opportunity to comment on the Rivers Edge II proposed subdivision. According to the Ravalli County Floodplain Maps, the subject property was entirely located within the 100-year floodplain of the Bitterroot River. The property owner subsequently received a Letter of Map Revision – Floodway (LOMR-FW) in 2005 (Case #06-08-0046A) from the Federal Emergency Management Agency (FEMA) which effectively removed a significant portion of the parcel from the floodplain. Although the proposed building envelopes are no longer located within in the 100-year floodplain, the western portion of the parcel is still within the floodplain and could therefore be subject to flood hazards.

In effort to mitigate the impacts of flooding on public health and safety and to minimize the effects of the proposed development on the natural environment the following recommendations should be considered:

1. To allow for possible channel migration and bank erosion, the no build/alteration zone should include all areas within the floodplain and should additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet.
2. The proposed wells and retention pond (on lot 4) should be exempt from the no build/alteration zone and allowed to remain in the proposed locations.
3. It is strongly recommended that the future property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages.
4. Basements and below grade crawl spaces should be prohibited in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Requiring above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems.

EXHIBIT A-9

Stevensville Public Schools

Superintendent
Kent Kultgen
Ext. 136



300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

October 31, 2008

RECEIVED

NOV 03 2008
IC-08-11-1276
Ravalli County Planning Dept.

Dear Mr. Fifrick:

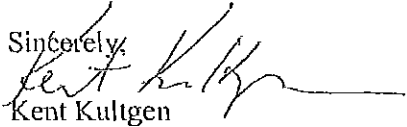
This letter is in reference to your correspondence on the Rivers Edge II Major Subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.
- During the Spring of 2008 Stevensville Schools successfully ran a high school levy for the sum of \$170,000. This levy was extremely helpful, but we continually grapple with increased costs of meeting the educational needs of each child.
 - Purchasing new textbooks. Many of our classes do not have enough texts for students to take home, thus limiting the ability for the teacher to use texts as a teaching tool.
 - Utilities are skyrocketing and for the 2008-09 school year \$50,000 was added to our utility budget. As extreme as that sounds, it was still short by thousands of dollars according to the expected percentage increase of natural gas and electricity.
 - Staff salaries. Stevensville Schools is trying desperately to compete with other schools in the region along with neighboring states for qualified teachers.
- Until the time that impact fees are implemented we are requesting Mitigation Fees to help offset the expense of expanded enrollment. We understand this is a negotiated fee with the builders and we are asking for \$2,558 per lot. This amount is equal to the total taxes K-12 divided by the projected number of students per lot.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,


Kent Kultgen
Superintendent
Stevensville Schools

"Home of the Fighting Yellowjackets"

EXHIBIT A-10



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Lee Metcalf National Wildlife Refuge
4567 Wildfowl Lane
Stevensville, Montana 59870



November 3, 2008

Ravalli County Planning Department
Randy Fiferick
215 South 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

NOV 05 2008
IC-08-11-1287
Ravalli County Planning Dept.

Dear Mr. Fiferick:

This letter is in response to your request for Agency Comments on Rivers Edge II Major Subdivision dated in an email October 30, 2008.

Using criteria that the Board of County Commissioners must consider, my comments are related to Criteria #4 Effects on Natural Environment, and Criteria #5 Effects on Wildlife and Habitat:

- I highly support and endorse the "Living with Wildlife" Covenants that the Montana Fish, Wildlife, and Parks suggest for such subdivisions. In addition, I would prefer that covenants be developed in cooperation with the Lee Metcalf National Wildlife Refuge (Refuge) to minimize impacts on groundwater and wildlife. Examples of such covenants would be no outside cats allowed, only approved herbicides to be used, no noxious weeds to be planted, and so forth. There is a concern of wandering domestic animals onto the Refuge which would constitute trespassing. Education of homeowners would help to prevent this.
- I recommend that homeowners are educated about the impacts of fertilizers on groundwater resources and ultimately wildlife and plants; especially with close proximity to the Bitterroot River where all groundwater will ultimately enter into.
- I recommend that construction, specifically tree-removal, clearing, and other dirt-moving activities, occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in the riparian habitat. Since the Migratory Bird Treaty Act prohibits the taking of migratory birds or parts, which includes nests and eggs, if construction activities must occur during this timeframe, then the proper permits must be acquired. The riparian area on the Refuge just south of the proposed project is crucial habitat for neotropical songbirds that travel the Bitterroot River corridor to nest. Some state species of concern may be present in the proposed project area.
- I support and encourage the applicant to work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. In addition, any construction equipment assigned to this project should have a way to clean the equipment prior to and when leaving the site so as not to track in or out any invasive species. The weed district may be able to provide recommendations for this procedure.
- Artificial light at night has been shown to affect the mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. Whether outdoor

EXHIBIT A-11

light is directly adjacent to a species habitat or located at some distance, as through sky glow, the combined effects of artificial lighting on vast numbers of nocturnal species have the potential to disrupt the functioning of entire ecosystems by disrupting balances in competition and predation. To mitigate these impacts, there are specific steps homeowners and developers can take to reduce light pollution. I recommend that subdivision follow the guidelines as suggested by the International Dark-Sky Association to reduce impacts.

If you have any questions, please feel free to contact me either at 406-777-5552 extension 205 or erin_holmes@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Holmes", with a long, sweeping horizontal line extending to the right.

Erin Holmes
Refuge Manager



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
July 1, 2004

Jessica Hennell, Planner
Ravalli Co. Planning Department
215 S. 4th, Ste. F
Hamilton, MT 59840

Dear Ms. Hennell:

Reference: Rivers Edge--Proposed major (17-lot) subdivision, north of Stevensville

We have reviewed the preliminary plat and joint Montana DEQ and Ravalli County application submittal. Our comments follow.

Bitterroot River

FWP Bitterroot fisheries biologist Chris Clancy met in June with Gordon Sorenson (consultant) and Gary Minster (owner) of the Rivers Edge Subdivision to discuss work they had done in the floodplain near the Bitterroot River. This work apparently included excavating a trench approximately 650-feet long near the riverbank and filling it with riprap. Sorenson indicated the trench was 12-15 feet wide and 12-14 feet deep. The purpose of the trench is to stop any further lateral migration of the Bitterroot River into the development. Clancy inquired why the trench was constructed, instead of stabilizing the stream bank; Sorenson said he wanted to avoid having to get permits within the stream channel.

They discussed the Montana Natural Streambed Preservation Act permitting process, and Clancy explained that the purpose of the permits was to minimize the impacts of projects to the river. The permit process attempts to minimize the amount of riprap that is used and routinely requires that vegetation must be established on the stream bank. If the river migrates much further to the east, which is likely¹, it will now encounter a large amount of rock in the trench, which would presumably stop the migration and become the stream bank. This rock and lack of vegetation is what we try to avoid in stream bank stabilization projects. In some circumstances, where structures are in jeopardy, a rock filled trench is an appropriate means to protect the structure. However, this trench constructed within the no build/alteration zone of the subdivision will most likely have impacts to the river. Stream bank stabilization, by definition, alters stream flow patterns and sediment transport. However those impacts could be minimized by properly designed projects. This project does not meet the criteria established for stabilization of stream

¹ For instance, note the changes in the river's location in the two aerial photos (C-1 and C-2, taken less than two years apart) in the subdivision application.

banks along the Bitterroot River. Since the project was not within the high water mark of the Bitterroot River, a "310" permit was not technically necessary; however, we believe a stream bank stabilization project permitted with a 310 permit would have been a more appropriate and less impactful means of stabilizing this portion of the Bitterroot River.

In an attempt to lessen some of this subdivision's possible impacts on the Bitterroot River and its associated riparian areas, we recommend consideration of the following:

1. Expand the current "no build/alteration" (buffer) zone for this subdivision from 100 feet from the top of bank to a minimum of 200 (ideally, 300) feet in order to increase the buffer between the river and the subdivision.
2. Redraw the lot boundaries so that all portions of all lots are outside the "no build/alteration" zone. This would offer more riverbank protection by not creating a situation where the owner of one (or more) of the lots that currently front (or nearly front) the river could create conditions that would further impact the river (i.e., fencing into the riparian area, planting lawns and fertilizing near the river, etc.)
3. Designate the entire no build/alteration zone as part of common area for the subdivision. This would enable the homeowners association to be responsible for this important area.
4. Add a section (see enclosure) to the covenants that regulates or guides the development and use of this riverfront commons area. This would include actions that would enhance the area (planting native trees, shrubs; not allowing lawn grasses), as well as protect it (i.e., not allowing motorized use of the area).

Covenants

We appreciate the covenants dealing with garbage and pets--adherence to these by homeowners should help reduce potential conflicts with wildlife. We note that this subdivision is located within ¼ mile of the Lee Metcalf National Wildlife Refuge, as well as being adjacent to the Bitterroot River and its extensive riparian areas and associated wetlands. Wooded draws are part of the hillsides less than ¼ mile to the east. Wildlife abounds in the general vicinity of this subdivision. In particular, animals such as white-tailed deer, fox and skunks are found in the area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species--including waterfowl and birds of prey--can be found nearby, as well as nesting birds. We feel that "living with wildlife" issues should be fully conveyed in the covenants to future landowners for this subdivision, in order to help homeowners deal with and avoid potential wildlife issues. Therefore, we recommend fine-tuning the covenants by changing or adding sections that would enhance their effectiveness. Our recommendations:

1. We recommend adding the following sentence to the Fencing section (Article IV.6):
Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.

2. We note the proximity of this proposed subdivision to the Lee Metcalf Refuge and the Bitterroot River and the potential for conflicts between waterfowl hunters and the subdivision. We recommend adding the following to the Firearms section (Article IV.22): Purchasers of lots within this subdivision must recognize the subdivision is located near and/or adjacent to public hunting areas (such as the Lee Metcalf National Wildlife Refuge and the Bitterroot River) where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
3. We recommend expanding and renaming the "Wildlife and Wildlife Habitat" section 7 (Article VI) by replacing the current section with the one we have included with this letter (see enclosure).
4. We recommend that the Amendment section (Article VI.4), be modified to state that covenants relating to Fences, Garbage, Animals and Pets, Living with Wildlife, and any portions of the riparian no build/alteration zone cannot be changed without the consent of the Ravalli County Commissioners.

Thank you for providing the opportunity for MFWP to comment on this subdivision, and we apologize that we could not provide these comments earlier. (Please contact Sharon Rose at 542-5540 or shrose@state.mt.us if you wish to receive an electronic version of these comments or covenants.)

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Enclosure: "Living with Wildlife" and "Riparian" covenants

C: Gordon Sorenson Engineering, 2610 Gunsight Court, Missoula, MT 59804

[Proposed covenants for Rivers Edge subdivision, suggested by Montana Fish, Wildlife & Parks; Missoula; July 1, 2004]

Section 7: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, bears, mountain lions, skunks and raccoons. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife."

In addition to the Fences, Garbage, and Animals and Pets sections (6, 13 & 14, Article IV) of the Covenants, the following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners should be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners should be aware that deer could occasionally attract mountain lions to the area.
- d. Birdseed attracts bears. Consider not using them in this area between the months of April through October. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- e. **Barbecue grills** must be stored indoors, and permanent, outdoor barbecues grills are not allowed. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.

- f. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant.

Section ____: Commons Area use and development of a Riparian Area along the Bitterroot River

The goal of establishing the 200-foot "no build/alteration zone" is to help protect the Bitterroot River and its riverbank from impacts of this subdivision. Additionally, it is hoped that a functioning riparian area could be developed or enhanced along this portion of the river. Therefore, the following restrictions will guide the use and development of this zone:

1. No buildings, fences, roads, etc. may be erected or placed inside this area.
2. Allowed use is only on foot; no motorized use is allowed.
3. Any planting in the zone will be native vegetation (trees, shrubs, forbs and/or grasses) that is appropriate to riparian areas in the Bitterroot Valley. Leave or plant native vegetation (i.e., no lawns) as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds.
5. In summary, allow the riparian area adjacent to the river to remain undisturbed. Do not modify it unless such change would help return the area to a natural state.



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
November 19, 2008

Randy Fifrick
Ravalli Co. Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59740

Reference: Rivers Edge 2 (Gary Munster Construction)--Proposed major subdivision (9 lots on 10.4 acres, 1.0-1.4 acres each; mostly E2 Sec 25, T10N, R20W), north of Stevensville

Dear Mr. Fifrick:

Montana Fish, Wildlife & Parks submitted comments (enclosed letter, dated 1 July 2004) for the Rivers Edge [#1] subdivision adjacent to the south of the subject property proposed as Rivers Edge 2. With those earlier comments in mind, we make the following recommendations for the currently proposed subdivision.

Bitterroot River

In an attempt to lessen some of this current subdivision's possible impacts on the Bitterroot River and its associated riparian areas, we recommend the following:

1. The subject property is mostly sited on a bench above the floodplain, but the property does include the sharp slope to the west of the bench and a bit of the floodplain below. At one time, the Bitterroot River's high-water mark would have been the sharp slope leading up to the bench. The eastern edge of the proposed "no build/alteration zone" appears to be at or near the top of the bench, and this zone continues westerly downhill to the subject property's boundary in the floodplain. We recommend extending the eastern edge of the "no build/ alteration [buffer] zone" for this subdivision from the top of the bench to a minimum of 50 feet eastward onto the bench in order to increase the buffer between the river (and its riparian areas and side slough) and the subdivision.
2. Locate all lots to be outside this "no build/ alteration [buffer] zone." This would offer more riverbank protection by not creating a situation where (as currently proposed) 6 separate lot owners could generate varying conditions that would further impact the river (i.e., fencing down into the riparian area, planting lawns and fertilizing near the river's floodplain, cutting vegetation, cutting separate paths down to the river, etc.)

3. Designate the entire no build/alteration buffer zone as part of the common area for the subdivision. This would enable the homeowners association to be responsible for this important area and help guarantee consistency in its management and protection.
4. Add a section to the covenants that regulates or guides the development and use of this riverfront commons area. This would include actions that would enhance the area (planting native trees, shrubs; not allowing lawn grasses), as well as protect it (i.e., not allowing motorized use of the area). We did not see the covenants for Rivers Edge 2 subdivision, but we assume that Rivers Edge 2 will use the same covenants as Rivers Edge [1]. If not, then we recommend adopting our previously proposed covenants.

Wildlife Covenants

As with the riparian covenants, we assume that Rivers Edge 2 would use the same living with wildlife covenants as Rivers Edge [1]. If the Rivers Edge 2 wildlife covenants were what was proposed by FWP in 2004, we would stay with the 2004 version. However, if this is not the case, then FWP recommends requiring the enclosed, updated version of living with wildlife covenants for Rivers Edge 2.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

[Proposed covenants for Rivers Edge 2 subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; November 19, 2008]

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife” or see FWP’s web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

1. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (using fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
2. **Gardens**, fruit trees or orchards can attract wildlife such as bear and deer. Fruit bearing trees and shrubs are discouraged in this subdivision because they are a wildlife attractant and can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. Contact FWP for a brochure about building fence with wildlife in mind.
3. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, garbage should not be taken outdoors until the morning of garbage pick-up and containers should be brought back in that evening. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)
4. **Do not feed** or offer supplements (such as salt blocks), attractants, or bait to wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant) or to provide feed that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that ungulates may attract mountain lions to the area.
5. **Birdseed** is an attractant to bears, and the use of bird feeders is not recommended from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should have a catch plate located below the feeder that collects the seed knocked off the feeder.

6. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may be held guilty for their dogs' behavior (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
7. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
8. **Barbecue grills** must be stored indoors, and permanent outdoor barbecue grills are strongly discouraged. Keep the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
9. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals becoming entangled in the fence or injuring themselves when trying to jump the fence. Contact FWP for a brochure on building "wildlife friendly" fencing.
10. **Compost piles** can attract animals and should be avoided. Compost piles should be limited to grass, leaves, and garden clippings. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
11. **Apiaries (bee hives)** could attract bears in this area and should be avoided.
12. Purchasers of lots within this subdivision must recognize the subdivision is located near and/or adjacent to public hunting areas (such as the Lee Metcalf National Wildlife Refuge and the Bitterroot River) where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
13. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (County Commissioners).

Ed and Katherine Quick
5481 Old Eastside HW
Stevensville, Mt 59870

11/5/08

RECEIVED

NOV 05 2008

Ravalli County Planning Dept
Public Hearing

To:

Board of County Commissioners
Ravalli County, Montana

RE: Edge 2 subdivision proposal

As the largest adjoining landowner of the proposed subdivision my greatest concern is that the owners of the subdivision will do another rip rap project and further endanger downstream property of which ours is in the most immediate danger.

Rip rap projects of the sort that preceded Edge 1 subdivision serves to speed up the water and pass bank undercutting to the next downstream property owner.

I am willing to accept whatever happens in the coming years to our bank as long as it isn't caused by illegal and unwise rip rap. It is unsightly and merely passes whatever perceived problem the rip rap builders have to the next downstream neighbors.

Very truly yours,

Ed Quick *Katherine A Quick*

Ed and Katherine Quick

EXHIBIT B-1

RECEIVED

NOV 06 2008
IC-08-11-1298
Ravalli County Planning Dept.

Ravalli County Planning Board
215 S 4th, Suite F
Hamilton, MT 59840

Attn: Case Planner - Randy Fifrick

I was able to attend the Planning Board meeting November 5th which reviewed the River's Edge II subdivision. It is my opinion that you made the correct decision denying this proposal. Please allow me to voice a few of my concerns.

The subdivision site is composed geologically of fine glacial fill. It is very porous and highly erosive. The addition of 9 septic on this 10 acre site is a major concern for the Bitterroot floodway, particularly since 16 septic have already been granted just upstream for River's Edge I.

The Bitterroot River wants to migrate to the west. After the 2008 high water event the main channel wound up in the Metcalf Channel upstream of the River's Edge subdivision. To prevent any further erosion, the River's Edge I built what they call "curtain drain." This has turned into a very long riprap wall which has had both upstream and downstream impacts.

The wall is slowly collapsing putting these new homes in jeopardy and septic closer our world class trout fisheries. Even though the River's Edge II proposal has only a corner of its property actually bordering the Bitterroot River, it may as well be on the bank. It should be considered a floodway. 9 more septic here is not a good idea. In closing, the River's Edge I was the worst subdivision in Ravalli County to date. The developer shouldn't be allowed to degrade this location any further. Please stand firm with your decision.

Thank you.

Sincerely,

Jack C. Mauer
516 Chickadee Lane
Victor, MT 59875

406 642-6548
wapiti@wapiti-waters.com

EXHIBIT B-2

Randy Fifrick

From: Joanne Costanzo [jlc1125@bresnan.net]
Sent: Friday, November 14, 2008 11:46 AM
To: Greg@chilcottforcommissioner.com
Cc: Randy Fifrick

November 13, 2008

Ravalli County Planning Department
Public Comment for upcoming Commissioner's Meeting re: River's Edge II Major Subdivision
(RE#2)

Members of the River's Edge Homeowner's Association attended the November 5th public meeting on the proposed subdivision referred to as River's Edge II.

The following is a list of concerns regarding this proposed subdivision.

- 1) The engineer for this project used a 2005 aerial photograph as one of his visual aids to show the location of the proposed development and its relation to the river. It would seem prudent to use a current aerial photograph for this perspective and, to compare the two photographs to realistically view the river and how it has evolved in the past three years.
- 2) Nine additional septic systems close to the flood plane should be a concern to the whole community.
- 3) Entrance Road Access: The road conceptualized by the developers assumes use of our private right-of-way and a section our private road, owned, maintained and snow-plowed by us, the River's Edge Homeowners' Assoc. Inc.
(Not affiliated with River's Edge #2.) We do not agree to this assumed access for the safety reasons listed below.
- 4) Safety: The access as planned presents a point of traffic congestion at the short stretch of Edge Drive to Old Eastside Highway. Automobile traffic from the 17 lots of RE#1 and the 9 proposed lots of RE#2, plus pedestrian traffic as children walk to and from the school bus stop constitute a safety concern for both drivers and walkers.

Should this subdivision proposal be approved, we recommend that the primary access to RE#2 be directly from Old Eastside Highway.

Respectfully submitted by the following members of the River's Edge Homeowners' Association,

Steve and Joanne Costanzo
Ray and Jane Karr
Chuck and Sue Buchanan

Randy Fifrick

From: David Rhea [adpcranes@sbcglobal.net]
Sent: Wednesday, January 21, 2009 10:20 AM
To: Randy Fifrick
Subject: Fw: 'Public Comment on River's Edge Proposed Subdivision #2'

--- On Tue, 1/20/09, David Rhea <adpcranes@sbcglobal.net> wrote:

From: David Rhea <adpcranes@sbcglobal.net>
Subject: 'Public Comment on River's Edge Proposed Subdivision #2'
To: rfifrick@ravallicounty.mt.gov
Date: Tuesday, January 20, 2009, 4:10 PM

Dear Randy,

I am a neighbor, just downstream from the Rivers Edge subdivision. I understand that there is a proposed 2nd phase for the Rivers Edge. I have concerns about the impact on the river from having more homes in that area. Besides the fact that any waste will probably end up in the river as there is not a big distance for a drainfield for these homes, I am concerned about the effects of any rip rap that may be done to protect these homes.

The past rip rap effects have devastated my property, and now the property north of me is showing unusual erosion from the flow change caused by upriver rip rap attempts. I have lost between 3 and 4 acres of river frontage in the past 3 years.

I would expect that there is a 200 ft. no Build zone anyway for this project. Could you verify this for me?
Please reply and take these considerations to mind in your meeting this Thursday.

Sincerely,

David Rhea
5515 Old Eastside Hwy.

Randy Fifrick

From: Chuck Buchanan [cbucksguns@yahoo.com]

Sent: Wednesday, January 21, 2009 3:49 PM

To: Glenda Wiles; Randy Fifrick

Subject: Response to Mr. Poindexter's Memorandum to the Commissioners dated Dec 8, 2008

Dear Commissioners,

This memo is in response to some of the misinformation stated in Mr Poindexter's letter. From the outset I would like to state that our purpose in trying to offer our opinions about Rivers Edge II is not to stop development. The purpose is to make the commissioners and developers aware of the planned access problems and push for an access change to Old Eastside Highway.

Mr. Poindexter has pointed out that the discussion should only be about Rivers Edge II (REII) and not Rivers Edge I (REI). However some discussion of REI is pertinent in understanding to avoid similar problems in REII. Certainly access through REI is pertinent.

I would like to point out some of the problems I find in Mr. Poindexters letter. It's possible they may be due to his "lack of information and/or misunderstanding".

I don't think that a gravel bar is " serving as nature's rip-rap". It seems to me that rip-rap is designed to absorb the river's energy and the effect of the water on the bank of the river. A gravel bar is merely the effect of the energy of the water and is constantly changing. This constant flux is dependant on the change of the river's course and river's energy and can't be depended on to prevent river erosion of the bank.

Secondly, the direction of river migration. He states that the river is migrating to the west. I disagree. Since we have moved here in June the river has changed course. The former bend in the river has disappeared and the result is that the river moved in an easterly direction. Additionally, if one studies the west side of the river bottom vegetation, it seems evident that the river has been moving in an easterly direction for many years. Closest to the river is mostly grasses and low shrub, further away there are bushes which are higher, further back are young trees, and behind those are more mature trees. So one can see a progression of vegetative growth which is indicative of river migration to the east.

Thirdly, Mr. Poindexter adresses the letter from Mrs. Constanzo. In fact the letter was from six homeowners in REI, who, I might add, actually live there.

Fourthly, the issue of a \$35,000 discount in price for Lots 1 and 2 due to the fact that there was going to be an access road to REII between their homes. Mrs. Constanzo addresses this subject at some length in her second letter and provides proof that there was no such discount based on lot prices .

Next, the number of children in REI and estimate of number of children in REII. Mr. Poindexter states the there are 7 children in REI. Let's set the record straight- at present there are 10 children and, by next week, there should be 11. Furthermore to suggest that there will only be 2 or 3 children in REII is totally without basis. The average family in the US has 2.3 children. Doing the math suggests that there will be 20.7 children in REII based on 9 homes. So now we are talking more realistically about 31.7 children going to school each morning who will have to deal with traffic walking to and from the school bus each day. And the traffic will not only be people who live there but all of the REII construction traffic as well.

Next, the owner of Lot 2 is "the only owner in my records that has refused to follow the Rivers Edge I Covenants" as stated by Mr. Poindexter. There may be only one infraction of the covenants "in your records". It only takes a short drive around REI to show that there are many infractions concerning the covenants which have not been addressed by the Architectural Control Committee. So, to give an example, let me address one home which stands out as having covenant problems. It happens to be the house across the street- Lot 6. When we moved in I noticed a large pile of dirt which blew all over the place and a yard full of tall noxious weeds which needed to be mowed. I asked a neighbor if there was something we could do about the dust. He said he had talked to the owner of Lot 6 and nothing had been done. A call had been placed to the state office and they came out and evaluated the problem. Shortly thereafter the pile of dirt was wetted down and the blowing dust stopped. However when it dried out it reverted back to the blowing dust problem. Later in the summer the weeds in the yard were mowed, except those around the house. It still looked unsightly. My wife caught up with the owner at one of the hearings concerning REII and convinced him that he should maintain the whole yard including that part close to his house, and it might improve the appearance since the house was still for sale. As the owner has stated before the commission, he is the owner of the house, and we would expect him to abide by the covenants. Eventually, the weeds around the house were cut down. We hope in the future that the covenants would be adhered to and that the owner would put in underground sprinklers and landscaping which is required by the covenants. The important point that should not be omitted here is that the owner is one of three members on the Architectural Control Committee and one of the developers of REII. Needless to say this is a good example of the double standard of enforcement of the covenants. So to single out one person as the only violator of the covenants is untrue. Just because a person writes a letter to the commission expressing his opinion doesn't call for a personal attack by Mr. Poindexter.

Next, addressing the snow removal costs of the shared roadway by REI and REII residents. Snow removal, as well as road maintenance issues (repair, resurfacing, etc), is of paramount concern to REI residents. We have seen no evidence of any legal paperwork insuring that this issue has been resolved by the developers of REII. We would like this issue to be addressed and agreed upon.

Perhaps if our issues would be addressed, as they should have been from the outset, this development would have moved along more smoothly. When Mr. Poindexter totally discredits any of our concerns and goes out of his way to try to "spin" many of the facts, he has personally created ill-will among many of the residents of REI. When he states that it's the old "I've got mine, you don't need yours syndrome", he's waved the red flag in front of the bull, so to speak. Every resident homeowner that has read his letter objects to that statement. Let me state emphatically that this is not and never has been our philosophy and we strenuously object to this accusation. Our purpose was always, and continues to be, concern over the proposed access to REII. In summary, we have addressed our concerns regarding access to REII through REI. Because of these concerns we would like the entrance of REII to be moved to Old Eastside Highway. Thank you for your consideration.

Respectfully

Dr. William and Susan Buchanan
81 Edge Dr.
Stevensville, MT 59870

RECEIVED

January 18, 2009

JAN 21 2009
IC-09-01-41
Ravalli County Planning Dept.

RECEIVED

JAN 21 2009

Ravalli County Commissioners

Beth -
Copy this
to Planning
Jux Genda

Ravalli County Commissioners
215 S. 4th Street
Hamilton, MT 59840

Dear Commissioners:

My husband and I were unable to attend the December meeting of the County Commissioners regarding the River's Edge II (REII) Subdivision. I would like to address the memorandum Mr. Poindexter read at that meeting. Although one of the letters was actually signed by six property owners on Edge Drive, Mr. Poindexter chose to address me as the sole Edge Drive property owner with concerns about this proposed subdivision.

I would like to challenge his claim that we received a \$35,000 discount on our lot due to the future road to be built on our property. I am enclosing a copy of the engineering diagram that we were given when we were considering purchasing property which shows the price of each lot. It is obvious that Lots 1 and 2 were not discounted due to the future road. Lots 16 & 17 were comparably priced to Lot 1 and neither had an access road planned on their property. It is more likely that these lots were originally priced lower than other lots in the development because they were the furthest from the river and closest to East Side Highway. It seems convenient now to say that the lower price for Lot 1 was due to the proposed road.

It is true that we were advised that a road to an additional subdivision was planned between Lot 1 and Lot 2. The proposed road and the additional subdivision were presented as a fait accompli. The very fact that meetings of the County Commissioners are being held regarding this subdivision acknowledges that it is not a "done deal". Our input was requested and presented. The commission will obviously do what it thinks is just and appropriate for Ravalli County.

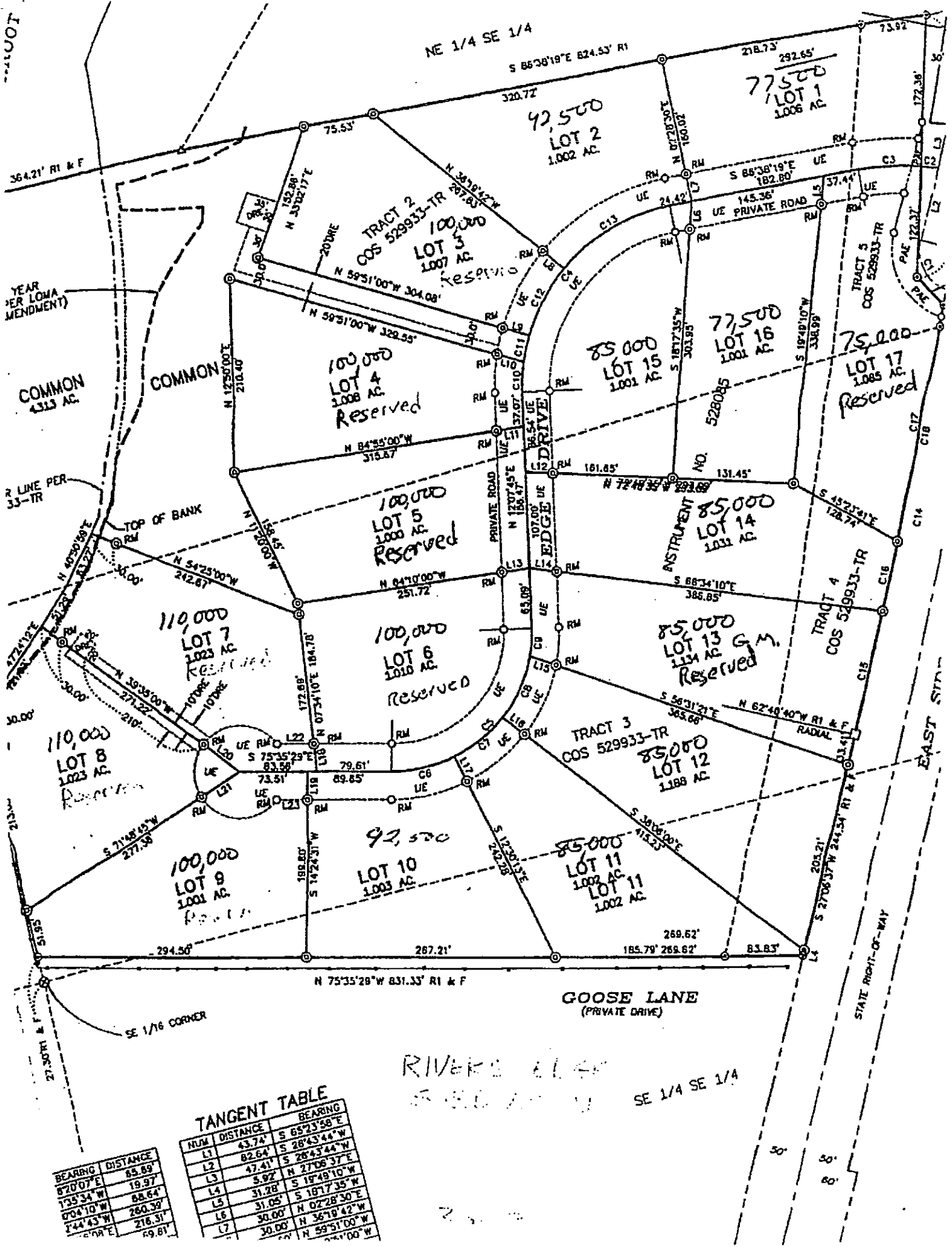
The important issue at this point is the assumption by the developer that he has the authority and permission of Edge Drive property owners to drive his construction trucks over our "private" drive to develop River's Edge II. Mr. Poindexter appears unaware of this problem. He does offer that the new homeowners would help with prorated payments for the maintenance of the section of Edge Drive from their access road to Old East Side Highway. With a separate homeowners' association, we find it unlikely that these homeowners would feel obligated to contribute to these maintenance costs. A remedy for this problem would be the access to the proposed development via Old East Side Highway. This would address the developer's need to legally access their proposed subdivision and remove the issue of shared responsibility between River's Edge I Homeowners' Association and REII HOA. These property owners would have their own HOA and their own ingress/egress. As Mr. Minster's house that has been unoccupied for over two years illustrates, resident homeowners in this proposed development are not likely in the immediate future, but damage to this section of Edge Drive by construction vehicles is a certainty.

Respectfully,

Joanne Costanzo - Lot 1 Edge Drive

EXHIBIT B-6

1000



BEARING	DISTANCE
8°20'07"E	85.89
1°35'34"W	19.97
0°04'10"W	88.64
2°44'43"W	260.39
6°04"E	218.31
6°04"E	89.81

TANGENT TABLE	
NUM	BEARING
L1	43.74' S 65°23'58"E
L2	82.64' S 28°43'44"W
L3	47.41' S 28°43'44"W
L4	5.92' N 27°08'37"E
L5	31.28' S 19°49'10"W
L6	31.05' S 19°17'35"W
L7	30.00' N 02°28'30"E
L8	30.00' N 36°19'42"W
L9	30.00' N 59°51'00"W

RECEIVED

APR 17 2009
16-09-04-286
Ravalli County Planning Dept.

April 9, 2009

TO: Ravalli County Commissioners

FROM: Brent & Judy Schlappy
112 Edge Drive
Stevensville, MT 59870
406-546-5357

RE: Proposed development of River's Edge II

RECEIVED

APR 17 2009
Ravalli County Commissioners

--	--	--	--	--

Taken to Planning
not given to
BCC.

We are residents of the River's Edge I development just south of the Three Mile Fire Station on the Eastside Highway. We are writing to express our hearty endorsement for the River's Edge II development proposed immediately to the north of us.

Mr. Poindexter has taken time from his busy schedule to meet with our homeowner's association, to address our questions, and to work toward mutually satisfactory outcomes.

We are Montana natives and, as such, are particular about the course development takes in the lovely areas that remain in our state. But as an electrical contractor, Brent appreciates the need for growth and the jobs it brings to our community. Mr. Poindexter's foresight and years of experience, as demonstrated in his work on River's Edge I, has resulted in a community we are proud to live in. We look forward seeing the neighboring acreage developed with the same care and appreciate the increased value and jobs he will bring to this area.

EXHIBIT B-7

March 23, 2009

Dear Ravalli County Commissioners,

On February 25th, Sky High Developers met with members of River's Edge Homeowners' Association regarding the access right-of-way into River's Edge II. The purpose of the meeting was to discuss the options available and hopefully, for our association to support one of the options presented. Following the presentation by Sky High Developers and their attorney Mr. Kirby Christian, our association decided to support the placement of the access road into River's Edge II off of Old East Side Highway rather than from Edge Drive.

Our homeowners association deeply appreciates the willingness of Sky High Developers to meet with us and provide us with this option. We feel they expressed genuine concern for meeting the needs of our association while at the same time proceeding with their plans to develop River's Edge II.

Sincerely,

Steven L. Costanzo
President
River's Edge Homeowners' Association